

CONFIDENTIAL PERSONNEL RECORD

MEMORANDUM

TO: M.S.A.D. No. 6 Board of Directors

FROM: Elek A. Miller, Esq., Paul Mosley, and Cindy Meserve

RE: Investigation of Nepotism Issue and Certain Questions Related to the Hiring and Employment of Zachariah Sherburne.

DATE: May 6, 2016

A. Introduction

The Maine School Administrative District No. 6 Board of Directors (the “Board”) retained Drummond Woodsum & MacMahon to conduct, in conjunction with two Board members – Paul Mosley and Cindy Meserve – an investigation into the concern that the hiring of Zachariah Sherburne violated M.S.A.D. No. 6’s nepotism policy and the more general concern that Superintendent Sherburne or other school officials involved in the hiring of Zachariah knew about an alleged relationship between Zachariah and a student in another school district when Zachariah was hired and/or during his employment with M.S.A.D. No. 6.

The following sections of this report describe the investigation process; provide a timeline of pertinent events; summarize the interviews conducted; and provide our findings. Because this report addresses issues related to an employee’s character, conduct, and quality of work, as well as complaints about an employee, it must be kept confidential pursuant to 20-A M.R.S.A. § 6101.

B. Investigation Process

Mr. Mosley, Ms. Meserve, and Mr. Miller (referred to herein as “us” and “we”) conducted in-person interviews with the following individuals:

- Doris Hicks, Saco Valley Teacher’s Association (“SVTA”) president; accompanied by Patrick Sanborn representative from the SVTA (April 27, 2016);
- Laura Jordan, classroom teacher where Zachariah worked; accompanied by Doris Hicks representative from the SVTA (April 27, 2016);
- Charlotte Regan, assistant principal at Buxton Center Elementary School; accompanied by Diane Nadeau (April 27, 2016);
- Kim O’Donnell, principal at Buxton Center Elementary School; accompanied by Diane Nadeau (April 27, 2016);
- Diane Nadeau, principal of Bonny Eagle Middle School; accompanied by Kim O’Donnell (April 27, 2016);

- Rebecca Bowley, School Board Chair (April 28, 2016);
- Jake Stoddard, School Board Vice Chair (April 28, 2016);
- Ansel Stevens, School Board Member (April 28, 2016);
- Robert Deakin, School Board Member (April 28, 2016);
- Michael Roy, Assistant Superintendent of Schools (April 28, 2016);
- Rae Theriault, Central Office Administrative Assistant (April 29, 2016);
- William Brockman, Business Manager; accompanied by Frank Sherburne (April 29, 2016); and
- Frank Sherburne, Superintendent of Schools; accompanied by William Brockman (April 29, 2016).

Mr. Miller also spoke to Amanda Cooper, a parent of a student in MSAD No. 6, who had contacted Ms. Bowley and expressed that she had information she believed to be important. Mr. Miller spoke to her over the phone on April 29, 2016. Mr. Miller also conducted a brief follow-up interview with Superintendent Sherburne via telephone on May 5, 2016.

We also reviewed a number of documents and/or materials, including:

- Zachariah Sherburne's personnel file (including job application documents, background check materials, and DOE approval forms);
- Email correspondence provided by Ms. Bowley, Superintendent Sherburne, and M.S.A.D. No. 6 Information Technology department;
- Text Messages between Ms. Bowley and Superintendent Sherburne (provided by Superintendent Sherburne);
- The Board's Nepotism Policy;
- News stories regarding charges against Zachariah Sherburne related to an alleged relationship between Zachariah and a student in another school district;
- A copy of the criminal complaint against Zachariah and accompanying affidavit; and
- Additional documents related to Zachariah Sherburne's hiring.

C. Summary of Interviews

1. Doris Hicks

In her interview, Ms. Hicks said that she had no involvement in the hiring of Zachariah Sherburne. She explained that she is a teacher and that teachers are not involved in the hiring of educational technicians. She said that she did not work with Zachariah, and that she rarely saw him. She recounted that he never said anything to her related to a relationship between him and a student in another school district. She also never overheard him say anything to anyone else about a relationship with a student in another school district, and at no point during Zachariah's employment did she become aware of a relationship between Zachariah and a student in another school district.

Ms. Hicks said that [REDACTED]

[REDACTED] She also

said that she [REDACTED]

2. Laura Jordan

In her interview, Ms. Jordan said that she was not involved in Zachariah Sherburne's hiring. She said that she received an email from Kim O'Donnell on February 7, 2016 providing that Zachariah was going to work in her room on Monday, Wednesday, and Friday of the following week because he needed to finish up his last two days (Tuesday and Thursday) at his other job. Ms. Jordan said that she worked with Zachariah and that they had a professional relationship.

[REDACTED]

She said that she did not become aware of the allegations regarding a relationship between Zachariah and a student in another school district until Zachariah's arrest was broadcast on the news.

3. Charlotte Regan

Ms. Regan said that [REDACTED] She said that educational technicians are usually hired by building principals directly (rather than central office staff, like the Superintendent). She also said that, by way of background, at around the time Zachariah Sherburne applied for an educational technician position at Buxton Center Elementary School, which was in late January of 2016, there were approximately four programs that were not fully staffed with educational technicians.

[REDACTED] Zachariah Sherburne was interviewed a few days later. There was still a shortage of educational technicians at that time. Ms. Regan said that [REDACTED]

[REDACTED]

She said that she knew that Zachariah was the Superintendent's son when she interviewed him but that Zachariah was treated like any other candidate and that [REDACTED]

Ms. Regan said that she and Ms. O'Donnell conferred on February 1, 2016 and decided to proceed with hiring Zachariah. She explained that the hiring process involves filling out paperwork that is submitted to the central office human resources ("HR") department and checking references. She said the necessary paperwork was submitted to the central office and that references were checked. She said that she talked to two of Zachariah's three references [REDACTED]

[REDACTED] She said she believed Zachariah was offered a position on February 4, 2016. She said that there was another candidate for an educational technician position interviewed a few days after Zachariah, [REDACTED]

[REDACTED] She also said that Zachariah's first day of work was February 8, 2016 and that he worked on February 8, 10, and 12 his first week on the job and five days per week beginning on or around February 22, 2016 (the week following February vacation).

When asked about whether the Superintendent talked to her about hiring Zachariah, Ms. Regan said that she and Ms. O'Donnell had a brief conversation with the Superintendent in late January of 2016 where the Superintendent noted in passing that he wanted to let them know that Zachariah might be applying for a position and that they should treat Zachariah like any other candidate and assess whether or not to hire him based on his interview and credentials and not on the fact that he is the Superintendent's son.

Ms. Regan said that she first became aware of the alleged relationship between Zachariah and a student in another school district when news of the situation broke in the media. [REDACTED]

[REDACTED] She said that she was not influenced in her decision-making regarding Zachariah's employment by the fact that Zachariah is the Superintendent's son.

4. Kim O'Donnell

In her interview, Ms. O'Donnell said that Buxton Center Elementary School houses all of the school district's elementary, school-level special education programs. She said that Buxton Center began the 2015-2016 school year with a deficit of educational technicians and that that deficit persisted throughout the year. She said that there is a revolving application process for educational technicians, as there are almost always job openings. When applicants submit applications Ms. O'Donnell is notified via email and she reviews the applications. She said that she is sometimes concerned that not filling vacancies could mean that students might not receive the services that they need or that are required by their special education plans.

Ms. O'Donnell said that a number of applications for educational technician positions came in in late January of 2016 and that she and Ms. Regan interviewed three applicants for educational technician positions. She said that they hired one and did not hire two [REDACTED]

[REDACTED] She said that she received an application for Zachariah Sherburne at around that same time (late January 2016). She said that prior to receiving the application she, along with Ms. Regan, had had a conversation with the Superintendent where, in passing, the Superintendent had noted that Zachariah was looking for full-time employment and might be applying for a job and that Ms. Bowley had given the go-ahead for Zachariah to apply. She said that she knew that Zachariah was the Superintendent's

son. Ms. O'Donnell also noted that Zachariah also applied for a job at Bonny Eagle Middle School at the same time that he applied for the job at Buxton Center.

Ms. O'Donnell said that they use standard interview questions for all job applicants and that she used those questions for Zachariah. [REDACTED]

Ms. O'Donnell also said that there were around four educational technician job openings when Zachariah applied.

Ms. O'Donnell said that [REDACTED]

[REDACTED] She said that the reference check process used for Zachariah is the same one used for all educational technician applicants.

Ms. O'Donnell stressed that she was not influenced in the process she followed or the decision she and Ms. Regan reached by the fact that Zachariah is the Superintendent's son. She said that it did not matter that Zachariah is the Superintendent's son and that he was treated like any other applicant. She said that when she briefly discussed with Ms. Regan and the Superintendent the possibility of Zachariah applying for a job, the Superintendent made it clear that she should treat Zachariah like any other applicant and employee (if hired), and that it was clear that if any issues arose with Zachariah they would be sent to the Assistant Superintendent and that he (the Superintendent) would operate as a superintendent, not as a father in the event he had to deal with any issues involving Zachariah. She also said that Zachariah himself wanted to avoid being treated differently because he is the Superintendent's son and asked to be called "Mr. S" for that reason.

She said that Zachariah was offered an educational technician position on or around February 4, 2016. She said that his first day of work was February 8, 2016 and that he worked three days his first week because he had to finish his last two-day-week in M.S.A.D. No. 55 that same week.

She said that when Zachariah applied for the position he was in the process of becoming approved as an educational technician through the Maine Department of Education ("DOE"), including having his fingerprinting done. She said that the HR department would be most likely to know the status of his fingerprinting and approval and that she did not know for certain what the status of his fingerprinting is.

She said that she first became aware of the allegations regarding a relationship between Zachariah and a student in another school district on or around March 12 [REDACTED]

Ms. O'Donnell said that because educational technicians are hired through the special education department the Superintendent is usually not involved in their employment [REDACTED]

5. Diane Nadeau

Ms. Nadeau was interviewed after it became clear in talking to Ms. O'Donnell that Zachariah Sherburne had applied for an educational technician job in the school in which Ms. Nadeau is principal. His application came in at the same time as his application for a job in Buxton Center Elementary.

Ms. Nadeau explained that job applications for educational technician positions come in through an automated system that sends an email to her when an application has been submitted. She said that in late January of 2016 she received an email notification providing that Zachariah Sherburne had applied for an educational technician position. She said that the school in which she is principal struggles to maintain enough educational technicians in its self-contained special education program, and that she had two job openings at the time Zachariah applied.

She said that when Zachariah's application came in she talked to Ms. O'Donnell, which is something they regularly do because they often compete for job applicants. She said that she and Ms. O'Donnell discussed Zachariah's application and decided that both would interview him. Ms. Nadeau said that she never discussed Zachariah's application with the Superintendent, but that she did talk to Ms. O'Donnell who said that she (Ms. O'Donnell) had talked to the Superintendent (who had, in turn, talked to Ms. Bowley) and that it was okay to consider Zachariah for a position.

Ms. Nadeau said that she interviewed Zachariah on or around February 1, along with Assistant Principal Benjamin Harris. [REDACTED]

[REDACTED] She said that there were no other applicants at the time for the educational technician job openings. She also said that she followed the same process for Zachariah that she would follow for any other applicant, and that, when interviewing Zachariah, she used the standard set of interview questions she uses for all applicants. [REDACTED]

[REDACTED]

Ms. Nadeau said that after she and Mr. Harris decided to move forward with the hiring process she contacted Ms. O'Donnell and told her that she wanted to proceed with hiring Zachariah. Ms. Nadeau said that Ms. O'Donnell informed her that she (Ms. O'Donnell) was doing the same thing and that she was already in the process of contacting references and preparing documentation to submit to the HR department. Ms. Nadeau said that at that point she decided to bow out and not compete for Zachariah because Ms. O'Donnell had already begun the hiring process.

Ms. Nadeau said that she became aware of the alleged relationship between Zachariah and a student in another school district only when the news regarding that situation broke. She said she was as surprised as anyone about the news. She also said that at no point during the hiring process was she influenced in her decision-making by the fact that Zachariah is the Superintendent's son.

6. Rebecca Bowley

Ms. Bowley said that at a Board meeting on January 19, 2016 the support staff collective bargaining agreement was discussed. She said that the discussion included talk about how there is a consistent shortage of educational technician applicants/employees.

She said that she met with Mr. Stoddard and Superintendent Sherburne on January 26, 2016 for one of their regular meetings to set the agenda for the next Board meeting. She said that at that meeting the issue about the need for educational technicians came up and that there was discussion around what was being done to attract more people. She said that during that conversation Superintendent Sherburne mentioned that he has a son at home (Zachariah) who would like a full-time job and would be qualified to be an educational technician. She said that Superintendent Sherburne asked Ms. Bowley and Mr. Stoddard about their thoughts on Zachariah applying for an educational technician job. She said that she could not recall the nepotism policy being discussed in any detail. She also said that she believes she was aware of the policy at the time of the meeting but not its specifics; just that it prohibits family members of Board Members from working in the district. Ms. Bowley said that she, Superintendent Sherburne, and Mr. Stoddard talked about how, if Zachariah applied for a job, Superintendent Sherburne would have no supervision over him. Ms. Bowley said that she and Mr. Stoddard expressed that they had no issue with Zachariah applying for an educational technician position. Ms. Bowley said that she was "okay" with Zachariah applying as long as the local union was also "okay" with it.

[REDACTED]

[REDACTED] Ms.
Bowley said that Superintendent Sherburne asked if it would be okay for Zachariah to apply and

that she said yes. Ms. Bowley said that she believed that there were exceptional circumstances (primarily the shortage of applicants for educational technician jobs) that made Zachariah's application "okay." She also said that she "stands firm" on her belief that she was responsible for giving the "go-ahead" for Zachariah to apply for an educational technician position.

Ms. Bowley said that she first found out about the situation involving Zachariah and a student in another school district on March 15, 2016, when she spoke privately to Superintendent Sherburne. She said that the Superintendent told her that the central office had received a call from the Department of Health and Human Services ("DHHS") on March 11, 2016 informing them about the situation involving Zachariah and that DHHS had called because Zachariah was in process the process of being fingerprinted, which showed that he was working in M.S.A.D.

No. 6.



Ms. Bowley said that she has been a member of the M.S.A.D. No. 6 Board from 1988-2004 and from 2009 to the present. She said that there have been several instances where family members of staff have been hired, and where the staff had some supervisory authority over the family member, including at least one instance involving a prior superintendent. She said that many of these situations pre-dated the nepotism policy. She also said that she could not recall the Board ever voting on these peoples' employment, either before or after enactment of the nepotism policy.

Ms. Bowley said that in her discussions with Superintendent Sherburne regarding the allegations involving Zachariah, the Superintendent never said or gave her an indication that he knew about them before March 11, 2016. She also said that she had no indication in her communications with the Superintendent that he had any influence over the hiring process or employment of Zachariah.

Ms. Bowley said that she was contacted by Mr. Stevens on or around March 31, 2016 and spoke to him on April 1, 2016 and that he notified her that he had been contacted by Ms. Cooper who had relayed that she was aware of allegations involving Zachariah Sherburne and an inappropriate relationship with a student in another district. He also said that she had contacted

Ms. O'Donnell to inquire about the situation. Ms. Bowley said that she talked to Mr. Stevens about informing the full Board about the situation and decided to do so. Ms. Bowley also said that she contacted Ms. Hicks on April 1, 2016 to check to make sure that she had been contacted about Zachariah's hiring. She said that Ms. Hicks said that she [REDACTED]

Ms. Bowley said that the full Board was informed about the situation involving Zachariah at the April 4, 2016 Board meeting. She also said that the full Board had been made aware of Zachariah's hiring at its March 21, 2016 meeting in a standard hiring "FYI" document that lists the hirings and ends of employment for the prior month. She said that the Board was made aware of the end of Zachariah's employment in the report circulated at the April 4 meeting.

7. Jacob Stoddard

In his interview, Mr. Stoddard said that he and Ms. Bowley met with Superintendent Sherburne in the Superintendent's office on January 26, 2016 to set the agenda for the next Board meeting. He said that during that meeting the three of them discussed issues surrounding the hiring of educational technicians, including that there were consistently open positions and trouble filling those positions. He said that the subject of educational technician hiring is a topic that has been discussed throughout the school year.

Mr. Stoddard said that, at the meeting, Ms. Bowley asked what was being done to address the educational technician hiring issue. He said that Superintendent Sherburne explained the steps that were being taken to try to increase the number of applicants, including advertising efforts and [REDACTED]

Mr. Stoddard said that, in passing, Superintendent Sherburne mentioned that he has a son (Zachariah) [REDACTED]

Mr. Stoddard said that the Superintendent asked whether Mr. Stoddard and Ms. Bowley were "okay" with Zachariah applying for educational technician jobs. He also said that the existence of the nepotism policy was brought up, as was the fact that hiring Zachariah might be a violation of the policy. He said that he said that he was "okay" with Zachariah applying for an educational technician position as long as Superintendent Sherburne was not involved in Zachariah's hiring or supervision. He also said that Ms. Bowley expressed her consent to Zachariah applying as long as the local union was "okay" with it.

Mr. Stoddard said that his understanding of the nepotism policy at the time of the meeting was that the prohibition on hiring family members, including those of the Superintendent, applied to situations involving direct oversight/supervision. He said that the three of them left the meeting and the issue of whether or not Zachariah could apply was not brought up again.

Mr. Stoddard also said that Ms. Bowley called him on April 1, 2016 to inform him about the timeline of Zachariah Sherburne's employment and the allegations related to an inappropriate relationship with a student in another school district, in preparation for a Board meeting where the Board was informed of the situation involving Zachariah, including that a call came in to the central office from DHHS on March 11 notifying the school district about Zachariah's situation.

He said that that meeting was held on April 4, 2016. He also said that the Board was notified of Zachariah Sherburne's hiring and resignation in the standard "FYI" documents that the Board receives each month that list the hirings and ends of employment for the previous month. He also said he was aware of some family members of staff currently working in the school district and that he could not recall the Board ever taking action under the nepotism policy with respect to a hiring.

8. Ansel Stevens

Mr. Stevens said that he was first informed about the situation involving Zachariah and a student from another school district on or around March 29, 2016 when he received a call from Amanda Cooper. He said that Ms. Cooper asked him if he was aware of an issue involving Zachariah and a sexual relationship with a student in another school district. Mr. Stevens said that he told Ms. Cooper to inform Ms. O'Donnell – the principal in the building where Zachariah worked – about the situation. He said that Ms. Cooper informed him that she had called Ms. O'Donnell and had been told that Zachariah no longer worked for the school district.

Mr. Stevens said that he emailed Ms. Bowley and Superintendent Sherburne to inform them about Ms. Cooper's call and to request a phone conference. He said that he spoke with Ms. Bowley about the situation on or around March 30, 2016 and that Ms. Bowley filled him in on what was going on with Zachariah's situation. He said that she filled him in about the situation involving Zachariah, including that she had known that Zachariah was applying for an educational technician position because the district needed educational technicians and Zachariah was looking for a full-time position. He said that she said that Mr. Stoddard was present when Superintendent Sherburne was given the "OK" to have Zachariah apply. He said that they talked about whether to inform the full Board about Zachariah's situation, that he recommended doing so, and that Ms. Bowley said she would do so.

Mr. Stevens said that in his time on the Board he cannot recall the Board taking action on a hiring involving the nepotism policy. [REDACTED]

9. Michael Roy

In his interview, Mr. Roy said that he was not involved in Zachariah's hiring. [REDACTED]

[REDACTED]

Mr. Roy explained that although no formal system was set up between him and the Superintendent to deal with any issues that arose with Zachariah, as a general matter the typical chain of dealing with educational technician issues does not involve the Superintendent and so he assumed that he would deal with any issues that might arise. He said that the typical chain is the building principal, the special education director, Mr. Brockman, and then him.

[REDACTED]

Mr. Roy said that on March 14, 2016 he received a call from Chris Farley of the Maine State Police who informed Mr. Roy that he was the primary investigator in Zachariah's case. Mr. Roy recounted that while on the phone with Mr. Farley, Mr. Farley received a call from the Oxford County Sheriff's Office and then told Mr. Roy that the Sheriff's Office would be on point for the investigation. Mr. Roy said that he did not hear from Mr. Farley or the Oxford County Sheriff's Office after that initial conversation.

Mr. Roy said that he received a call from Rosemary Muir from the DOE on March 16, 2016 and that she said that it was her job to ensure/confirm that Zachariah was no longer employed by M.S.A.D. No. 6 [REDACTED]

[REDACTED]

Mr. Roy also said that he believed Zachariah had gone in for his fingerprinting appointment because Ms. Muir said that she had a form indicating as much.

Mr. Roy said [REDACTED]



[REDACTED] He said that Ms. O'Donnell explained Zachariah's hiring and employment timeline, including that he was offered the job on February 4, 2016, had his first day of work on February 8, worked for M.S.A.D. No. 6 and M.S.A.D. No. 55 from February 8 through February 12, and was full-time in M.S.A.D. No. 6 from February 22 through March 11. He said that she also explained that at around the same time Zachariah was hired they had three other candidates for educational technician positions and that they offered two of them jobs [REDACTED]

[REDACTED]

Mr. Roy said that he had no indication and was not aware of any information to suggest that Superintendent Sherburne knew about the situation involving Zachariah and a student in another district before March 11, 2016 when DHHS called. He also said that he had no indication that Superintendent Sherburne influenced the hiring process for, or the ultimate decision to hire, Zachariah. Mr. Roy said that, if anything, the opposite was true and that the Superintendent took a very "hands off" approach to Zachariah's employment. Mr. Roy also said that someone in the HR department would be the best person to talk to for additional information about hiring procedures and paperwork.

10. Robert Deakin


Mr. Deakin requested to speak to us to share information he believed to be relevant to our investigation.



Mr. Deakin also said that it is important not to lose the humanity of everyone in situations like this and that he thought that it would be a good idea for someone, perhaps someone on the Board, to make sure Superintendent Sherburne understands that, given that he is dealing with a difficult situation right now involving his son, his employment contract contains provisions allowing him to access certain wellness service, should he wish to do so.

11. Rae Theriault

In her interview, Ms. Theriault said that on the day DHHS called she was the one who answered the phone. She said that the person on the other end said that he was calling about an issue with an employee in another school district who might also work in M.S.A. D. No. 6. She said that the person on the other end of the line asked who he should talk to, and Ms. Theriault asked for the employee's name. The person from DHHS said Zachariah Sherburne. Ms. Theriault said that she knew the call could not go in to Superintendent Sherburne, but that she wanted to let him know about the call.



[REDACTED] Ms. Theriault also said that in talking to the Superintendent there was no suggestion that he knew about the situation involving Zachariah prior to the day DHHS called.

12. William Brockman

In his interview, Mr. Brockman explained that the HR department becomes involved in the educational technician hiring process when there is a need for a payroll status change form, and that one of the times that this happens is when a new employee starts on the payroll. He said that there is a checklist of documents and other items that must be completed at the building level for each new hire and that an HR specialist reviews the checklist when it is submitted to make sure it is complete. He showed us a copy of the checklist and explained each item.

Mr. Brockman also said that there is a process through which the HR department can go online and check to see the status of an applicant's fingerprinting, but there is a significant backlog of applications and so the HR department does not get notice regarding fingerprinting status for several weeks. He said that fingerprinting and related background checks are required of all educational technicians. He also said that the HR department also often runs a separate state criminal background check at the beginning of an employee's employment because the DOE fingerprinting process can take several weeks.

13. Frank Sherburne

In his interviews Superintendent Sherburne said that the school district has been consistently understaffed with educational technicians for at least the past two years, with up to 12 positions open at one time. He said that during an agenda setting meeting in late January of 2016 he was talking to Ms. Bowley and Mr. Stoddard about the need for educational technicians and brought up the possibility of Zachariah applying for an educational technician job. Superintendent Sherburne said that, at that meeting, he talked about [REDACTED] and the fact that he (Superintendent Sherburne) would have no supervisory authority over Zachariah if he was hired. The Superintendent stressed that he was very clear at that meeting that he was only asking about the possibility of Zachariah applying for a job, not asking that he be given a job. The Superintendent also said that, at that meeting, the nepotism policy was discussed and that he pointed out that hiring Zachariah could be a violation of the policy but that the district needs educational technicians. He said that both Mr. Stoddard and Ms. Bowley said they were "okay" with Zachariah applying.

[REDACTED]

[REDACTED]

He said that neither Ms. Bowley nor Mr. Stoddard raised the issue of Board action at the meeting.

[REDACTED]

[REDACTED]

[REDACTED]

. He also said that he is not involved in the hiring of educational technicians generally.

[REDACTED]

[REDACTED]

[REDACTED]

Superintendent Sherburne said that he first learned about the allegations that Zachariah had had an inappropriate relationship with a student in another district on March 11, 2016 when DHHS called the central office to inform them of the allegations. [REDACTED]

[REDACTED]

He also said that that was the first time he found out about the allegations regarding Zachariah and the student in the other school district, that he had no reason to suspect such a situation. He also said that he could not think of any facts that would lead people to conclude, as many already have, that he would have known before March 11.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] He said that he later informed the Board about the situation in executive session and that prior to that meeting he and Ms. Bowley had put together a press statement should they need one. He said that he [REDACTED]

[REDACTED] He also said that Ms. Bowley had said at that meeting that if there was a violation, it was hers.

Superintendent Sherburne said that he has been superintendent in M.S.A.D. No. 6 for five years and that he is aware of a number of employees who have some level of supervisory authority over family members who are also employees. He said that the Board has "put out the message" that it is important to hire locally.

[REDACTED]

14. Amanda Cooper

Mr. Miller spoke to Ms. Cooper over the telephone because she had contacted Ms. Bowley to inform her that she had information she would like to share. [REDACTED]

[REDACTED] She said that she had been told about these things before the allegations related to Zachariah and a student in another district came to light, and that the first person she had contacted about the situation was Ansel Stevens. When asked who she had heard this information from she declined to name anyone and said that she couldn't name just one person as she had heard it from "several people."

D. Timeline

- Late January 2016 – Zachariah begins DOE approval process.
- January 26, 2016 –
 - Three applicants for educational technician positions at Buxton Center interviewed; one hired.
 - Superintendent Sherburne meets with Ms. Bowley and Mr. Stoddard (agenda meeting) and raises question of Zachariah applying for job. Ms. Bowley and Mr. Stoddard say "okay." Zachariah's application not brought to full Board.
 - Superintendent sends text message to Ms. Bowley about Zachariah applying for job, including reference to nepotism policy, and Ms. Bowley gives go-ahead to apply.
- January 27, 2016 – Zachariah's application received (for educational technician positions at Buxton Center Elementary and Bonny Eagle Middle School).
- February 1, 2016 – Zachariah interviewed at both schools (same process used as used with other employees). At this time, no other applicants and several open positions.
- February 1-4, 2016 – Zachariah references contacted (including reference from MSAD No. 55) and paperwork sent to HR.
- February 3/4, 2016 – Zachariah offered position (contingent on DOE approval).
- February 8, 2016 – Zachariah's first day of work at Buxton Center.
- February 12, 2016 –
 - Zachariah allegedly has sexual encounter with M.S.A.D. No. 55 student.
 - State criminal history record and juvenile crime information check information available to HR office.
- February 16, 2016 – Zachariah DOE fingerprinting appointment.
- March 11, 2016 –

- Call from DHHS re: Zachariah's situation.
 - Superintendent Sherburne first learns of alleged relationship between Zachariah and student in another district.
 - M.S.A.D. No. 55 Superintendent makes complaint to DHHS.
 - Zachariah (with friend) goes to sheriff's office in Brownfield to discuss February 12 incident.
 - M.S.A.D. No. 55/Police investigation begins.
- March 11/12, 2016 – Zachariah resigns from M.S.A.D. No. 6.
- March 13, 2016 – MSAD No. 55 Superintendent calls Superintendent Sherburne about Zachariah's situation and apologizes for not notifying him on Friday when the report was filed with DHHS.
- March 15, 2016 –
 - Zachariah arrested.
 - Superintendent Sherburne informs Ms. Bowley about Zachariah's situation.
- March 21, 2016 – Board receives hiring/end of employment FYI, which includes Zachariah's hiring.
- March 30/31, 2016 – Amanda Cooper calls Ansel Stevens re: Zachariah's situation.
- March 31/April 1, 2016 – Ms. Bowley talks to Mr. Stevens about Ms. Cooper's call and decides to inform full Board about Zachariah's situation.
- April 2, 2016 – Ms. Bowley meets with Mr. Stoddard to inform him about Zachariah's situation and need for executive session to discuss with Board.
- April 4, 2016 –
 - School Board meeting where Board receives hiring/end of employment FYI document, which includes Zachariah's end of employment
 - Board notified about Zachariah's situation

E. Findings

Based on our interviews and review of documents relevant to this investigation, and for the reasons expressed below, we make the following findings:

1. Knowledge of Alleged Inappropriate Relationship With Student By Superintendent and/or Staff Responsible for Hiring

We found no evidence to show that the Superintendent or anyone involved in hiring Zachariah Sherburne knew about the alleged inappropriate relationship between Zachariah and a student in

another school district prior to March 11, 2016 – the date on which DHHS contacted the M.S.A.D. No. 6 central office and informed the Assistant Superintendent about the allegations (who subsequently informed the Superintendent).

2. Nepotism Policy

Policy BCC (“Nepotism”) provides that “it is the policy of the MSAD 6 Board not to employ any person who is a family member of a Board Member or the Superintendent.” It also provides that “no employee will be assigned to a position that is within the administrative supervision of a member of his/her family.” The policy also contains an exception to these general rules that states:

“Unless prohibited by law, in extraordinary circumstances that are in the best interests of MSAD 6 *the Board* may approve an exception to the prohibitions stated above if (1) the employee or employment candidate is qualified for the position to which he/she has been or will be assigned, and (2) the Superintendent has established procedures satisfactory to *the Board* by which the active supervision and evaluation of that position will be done by a qualified person other than the family member.” (Emphasis added.)

Zachariah Sherburne’s employment was not brought to the full Board for approval. However, the question of whether or not Zachariah could apply for educational technician job openings was discussed among the Superintendent, Ms. Bowley, and Mr. Stoddard at a January 26, 2016 agenda meeting and between the Superintendent and Ms. Bowley via text message on that same date. The discussion included talk about the shortage of, and consequent need for, educational technicians in the school district, the fact that Zachariah was qualified to work as an educational technician, and that the Superintendent would not be involved in Zachariah’s hiring or his supervision as an employee. The nepotism policy was also discussed. However, the issue of Board approval was not raised by anyone at the meeting and therefore was not discussed.



At the time of this discussion, Ms. Bowley was generally aware of the nepotism policy, but was not familiar with all of its specific provisions/requirements. Mr. Stoddard was aware of the policy and its requirements, but believed that it only applied to situations where the Superintendent has direct supervisory authority over a family member.

As a result of the discussion among the Superintendent, Ms. Bowley, and Mr. Stoddard, Ms.

Bowley expressed that it was “okay” with her if Zachariah applied for an educational technician position as long as it was “okay” with the local union. Mr. Stoddard also expressed that it was “okay” with him if Zachariah applied for an educational technician position as long as the Superintendent was not involved in the hiring process and did not have supervisory authority over him.

The Superintendent did not believe it was necessary for the full Board to consider whether Zachariah be permitted to apply because he did not know that failing to do so was a violation of the policy, given the history of certain matters being approved by the Board Chair alone, and because he talked to Ms. Bowley and Mr. Stoddard about the possibility of Zachariah applying, and both gave their approval. The Superintendent also felt that if the issue of Zachariah’s application for work was going to go on the agenda for consideration by the full Board that it was up to the Board Chair and Vice Chair (Ms. Bowley and Mr. Stoddard) to make that decision because it was not his place to insist that an item be placed on the agenda and because the agenda policy says that he should consult with the Board Chair regarding the agenda but that the decision about what to put on the agenda is ultimately up to the Chair.

Zachariah Sherburne applied for educational technician positions at both Buxton Center Elementary School and Bonny Eagle Middle School. The Superintendent was not involved in the hiring process for Zachariah or the decision regarding whether or not to hire him. The Superintendent did, however, talk to Ms. Hicks after Zachariah had applied for the job at Buxton Center Elementary School in order to make sure that the teacher (Laura Jordan) in the classroom where Zachariah would work was comfortable having him in her classroom given that he is the Superintendent’s son.

Historically it has been difficult to fill educational technicians in MSAD No. 6 and there have often been multiple open educational technician positions. At the time Zachariah applied for work as an educational technician there were several openings in multiple buildings. The Board’s collective bargaining negotiations [REDACTED]

Zachariah was required to follow the same application process as other applicants for similar positions. This included submitting an application online, which is sent directly to the principal of the building where the job is located, filling out the same paperwork required of other applicants, and being asked the same interview questions as other applicants. Zachariah provided references (which is also required of other applicants) and all were contacted, including one individual from M.S.A.D. No. 55. [REDACTED] The decision to hire Zachariah was made by Ms. O’Donnell and Ms. Regan. Neither the application process nor the decision to hire Zachariah was influenced by the fact that he is the Superintendent’s son.

Zachariah was hired and had begun work in M.S.A.D. No. 6 when the alleged sexual encounter with a student in another district occurred.

The educational technician approval process through the Maine Department of Education, which includes fingerprinting and a background check, had begun for Zachariah when he applied for

work in M.S.A.D. No. 6. [REDACTED]

Historically, MSAD No. 6 has had a number of family members of staff work in the district, including at least one family member of a former superintendent, and some in situations involving supervisory authority of one family member over another. Many of these situations pre-date enactment of the nepotism policy. No one we spoke to about the issue, including three Board Members who have been on the Board for several years, can recall the Board ever voting on these kinds of situations prior to, or after, enactment of the nepotism policy. Zachariah's hiring not going to the full Board is consistent with this history.